

# HOUSE BILL No. 5547

February 17, 2004, Introduced by Reps. LaSata, Dennis and Vander Veen and referred to the Committee on Agriculture and Resource Management.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 63706 (MCL 324.63706), as added by 1995 PA  
57.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 63706. (1) The progressive cell-unit mining and  
2 reclamation plan, for both the total project and each cell-unit,  
3 shall include all of the following:

4       (a) The method and direction of mining.

5       (b) Surface overburden stripping plans.

6       (c) The depth of grade level over the entire site from which  
7 the sand will be removed.

8       (d) Provisions for grading, revegetation, and stabilization  
9 that will minimize shore and soil erosion, sedimentation, and  
10 public safety problems.

(e) The location of buildings, equipment, stockpiles, roads, or other features necessary to the mining activity and provisions for their removal and restoration of the area at the project termination.

(f) Provisions for buffer areas, landscaping, and screening.

(g) The interim use or uses of reclaimed cell-units before the cessation of the entire mining operation.

(h) Maps and other supporting documents required by the department.

(2) The department shall not issue a sand dune mining permit for any of the following:

(a) A sand dune mining operation that existed before March 31, 1977, if the progressive cell-unit mining and reclamation plan includes more than 3 30-acre cell-units.

(b) A sand dune mining operation that commenced after March 31, 1977, if the progressive cell-unit mining and reclamation plan includes any cell-unit having an area exceeding 10 acres.

(c) The expansion of an existing sand dune mining operation if that expansion includes any cell-unit having an area exceeding 10 acres.

(3) ~~The~~ **In addition to the requirements of subsection (1),** the progressive cell-unit mining and reclamation plan for sand dune mining permits issued 30 days or more after June 23, 1994 shall meet the following requirements:

(a) All upland reclamation grades for sand dune mining operations shall have a slope not steeper than 1-foot vertical

1 rise in a 3-foot horizontal plane, except that the department may  
2 approve plans that allow steeper reclaimed slopes in order to  
3 provide a smoother transition to undisturbed topographic features  
4 or the protection of existing environmental features.

5 (b) All submerged grades established by the excavation of  
6 material below the water table and the creation of a water body  
7 shall have underwater slopes as follows:

8 (i) For water bodies with a surface area less than 5 acres,  
9 the submerged grades shall be 1-foot vertical rise in a 3-foot  
10 horizontal plane, or flatter, to a depth of 6 feet.

11 (ii) For water bodies with a surface area 5 acres or greater,  
12 the submerged grades shall be 1-foot vertical rise in a 6-foot  
13 horizontal plane, or flatter, to a depth of 6 feet.

14 (iii) For all water bodies where the progressive cell-unit  
15 mining and reclamation plan designates a final use after sand  
16 dune mining as public access, the area designated for public  
17 access shall have submerged grades of 1-foot vertical rise in a  
18 10-foot horizontal plane, or flatter, to a depth of 6 feet.

19 (c) A 200-foot minimum setback distance from the property  
20 line to the cell-unit boundary line shall be provided on all  
21 cell-unit mining and reclamation plans, except the department may  
22 approve plans with less than 200-foot minimum setback distances  
23 if the department determines that the sand dune mining activity  
24 is compatible with the adjacent existing land use.

25 (d) A 500-foot minimum setback distance from the ordinary  
26 high-water mark of the Great Lakes shall be provided on all  
27 cell-unit mining and reclamation plans. As used in this

1 subdivision, ordinary high-water mark means for the lands  
2 bordering or adjacent to waters or land affected by levels of the  
3 Great Lakes landward of the ordinary high-water mark as defined  
4 by section 32502, and those lands between the ordinary high-water  
5 mark and the water's edge.

6 (e) All cell-unit mining and reclamation plans shall include  
7 fencing or other techniques to minimize trespass or unauthorized  
8 access to the sand dune mining activity.

9 (f) If the proposed sand dune mining activity proposes to  
10 mine below the water table, the department may require a  
11 hydrogeological survey of the surrounding area.

12 (g) If threatened or endangered species are identified within  
13 the cell-unit boundaries, the cell-unit mining and reclamation  
14 plan shall indicate how the threatened or endangered species  
15 shall be protected or, if not protected, what mitigation measures  
16 shall be performed.

17 (h) If the proposed sand dune mining activity includes  
18 beneficiation or treatment of the sand, the application documents  
19 shall include specific plans depicting the methods, techniques,  
20 and manufacturer's material safety data sheets on all chemicals,  
21 or other additives that are not natural to the site, that will be  
22 utilized in the process. The operator shall also obtain all  
23 applicable state and federal permits prior to beginning the  
24 beneficiation process.

25 **(4) A progressive cell-unit mining and reclamation plan shall**  
26 **require that, within 6 months after mining ceases within a**  
27 **cell-unit, reclamation of that cell-unit shall begin. Within 2**

1 years after cessation of mining within a cell-unit, all  
2 reclamation activities shall be completed.